

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

MADHU JAIN,

Plaintiff,

v.

A CAPE ANN WHALE WATCH, INC.,

Defendant.

CIVIL ACTION NO. 05-11267-MEL

MOTION *IN LIMINE* REGARDING MEDICAL OPINION TESTIMONY

Defendant, A Cape Ann Whale Watch, Inc. ("Cape Ann"), hereby move *in limine* to bar introduction of any report containing medical opinion and prepared with reference to this litigation.

This motion complements another one relating to Dr. Vinod Datta. Cape Ann has learned that plaintiff may seek to present medical opinion as to a Dr. Lhowe without in-court testimony, but instead by way of a written report.

For the same reasons that any report of Dr. Datta is inadmissible, any such report from Dr. Lhowe (or anyone else) is likewise inadmissible.

WHEREFORE, Cape Ann moves that the Court exclude the written submission of any medical practitioner as inadmissible hearsay.

CERTIFICATE OF SERVICE: Undersigned counsel hereby certifies that s/he has this day provided a true copy of this document to all counsel of record and all parties appearing pro se (if any) by the method indicated alongside their respective names as shown below.

Dated: June 4, 2007

served upon:

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A CAPE ANN WHALE WATCH, INC.

By its attorneys,

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